



*Minutes of the Ordinary Meeting of Council
6 & 7 June 2006
commencing at 10:35 am*

PRESENT

Councillors – M P Berwick (Mayor), D P Egan (Deputy Mayor), W J Bellerio, M Cox, R Davis, D G Pitt and J Sciacca

Staff – T C Melchert (Chief Executive Officer), D G Carey (General Manager Community & Corporate), I B Barton (General Manager Finance & Administration), R J Baade (General Manager Engineering), P Trotman (General Manager Development & Environment) and Ms M L Paterson (Administration Officer)

06/0606/01 CONDOLENCES

Cr Berwick referred to the recent death of Mr Patrick Brophy. The Council stood and observed one minute's silence.

Moved: Cr Berwick

Seconded: Cr Egan

"That Council send a letter of condolence to the next of kin."

Carried unanimously

06/0606/02 MINUTES

Moved: Cr Cox

Seconded: Cr Bellerio

"That the minutes of the Ordinary Council Meeting held on 16 May 2006 and minutes of the Special Council Meeting held on 22 May 2006 be confirmed."

Carried unanimously

COMMUNITY & CORPORATE

06/0606/03 DECISIONS OF THE COUNCIL STATUS REPORT

Moved: Cr Egan

Seconded: Cr Sciacca

"That Council receive and note the Decisions of the Council – Status Report, subject to the following items being clarified:

- *page 17 Cape Tribulation Guide – not a promotional issue per se;*
- *page 21 Iron Bark Road – heading to be clarified;*
- *page 22 Sustainable House – remove last sentence;*
- *page 26 Rocky Point Esplanade – has the QT rep been invited?"*

Carried unanimously



06/0606/04 DETAILS OF USE OF THE COMMON SEAL

Moved: Cr Egan

Seconded: Cr Cox

"That Council adopt the recommendation and receive the report providing details of the use of the council seal and endorse the actions of the Chief Executive Officer and Mayor in executing on its behalf, under seal, the documents detailed therein."

Carried unanimously

DEVELOPMENT & ENVIRONMENT

06/0606/05 SUB 011/06 – LOTS 18 & 19 RP 740425 (CORAL SEA DRIVE, MOSSMAN)

Moved: Cr Sciacca

Seconded: Cr Bellerio

"That Council adopt the recommendation and approve the application for a Reconfiguration of Allotments by Boundary Realignment by Ms C Botham & Mr M Knight (Lot 19) and Ms A S & Mr K B Reynolds & Ms M T & Mr R G Howells (Lot 18) to realign the boundary between Lots 18 & 19 on RP 740425, Parish of Victory, and located between 19-25 Coral Sea Drive Mossman and 27-35 Coral Sea Drive, Mossman, subject to the conditions recommended by the Assistant Planning Officer in her report."

Carried unanimously

ATTENDANCE

The Manager Planning, Paul Gleeson, attended the meeting at 11:00 am.

06/0606/06 SUB 018/05 – LOT 115 CP 891903 & LOTS 283 SR 774 – (MOSSMAN-DAINTREE ROAD, LOWER DAINTREE)

Moved: Cr Bellerio

Seconded: Cr Sciacca

06/0606/06(i) *"That Council adopt the recommendation and approve the request by Mr Leslie Zackrisen for the Minor Amendment for SUB 018/05, Reconfiguration of a Lot (Boundary Realignment) for Lot 115 on CP 891903 and Lot 283 on SR 774, Parish Whyanbeel, more particularly 3013 – 3016 Mossman-Daintree Road, Lower Daintree."*

06/0606/06(ii) *"That Council adopt the recommendation and approve the request by Mr Leslie Zackrisen for the extension of the Currency Period for SUB 018/05, Reconfiguration of a Lot (Boundary Realignment) for Lot 115 on CP 891903 and Lot 283 on SR 774, Parish Whyanbeel, more particularly 3013 – 3016 Mossman-Daintree Road, Lower Daintree."*

06/0606/06(iii) *"That Council adopt the recommendation and remove Condition 4A from the Decision Notice and the Currency Period be extended by one (1) year and will lapse on 23 September 2008."*

06/0606/06(iv) *"That Council adopt the recommendation and advise Mr Leslie Zackrisen that no further extensions of the Currency Period for SUB 018/05 will be permitted for Lot 115 on CP 891903 & Lot 283 on SR 774, Parish of Whyanbeel, more particularly 3013 – 3016 Mossman-Daintree Road, Lower Daintree."*

Carried unanimously

06/0606/07 TPC 1243 – LOTS 42 C 22513 – (HELMET STREET, PORT DOUGLAS)

Moved: Cr Bellerio

Seconded: Cr Sciacca

"That Council adopt the recommendation and approve the application for a Negotiated Decision Notice for TPC 1243 being two (2) Multiple Dwelling Units (Residential) on land described as Lot 42 on C 22513, Parish of Salisbury, more particularly 3 Helmet Street, Port Douglas, subject to the conditions recommended by the Assistant Planning Officer in her report and subject to the amendment of the proposed roadworks contribution to reflect actual cost."

Carried unanimously

06/0606/08 TPC 1215 – LOT 31 ON RP 734536 – (CORAL DRIVE, PORT DOUGLAS)

Moved: Cr Egan

Seconded: Cr Bellerio

"That Council adopt the recommendation and approve the application for a Development Permit for Material Change of Use TPC 1215 to permit the development of 3 x 3 bedroom Multiple Dwellings (Residential) on land described as Lot 31 on RP 734536, Parish of Salisbury, more particularly 23 Coral Drive, Port Douglas, subject to the conditions recommended by the Assistant Planning Officer in her report."

Carried unanimously

WITHDRAWAL

The Manager Planning, Paul Gleeson, declared a conflict of interest in the following matter and withdrew from the meeting.

06/0606/09 TPC 1155 – LOT 1 RP 736902 – (22 DAVIDSON STREET, PORT DOUGLAS)

Moved: Cr Cox

Seconded: Cr Egan

06/0606/09(i) *"That Council adopt the recommendation and refuse the application to remove Condition 4.2(c) from the Development Approval TPC 1155 for The Beach Club on land described as Lot 1 on RP 736902, more particularly 22 Davidson Street, Port Douglas."*



06/0606/09(ii) "That Council resolve to amend Condition 4.2(c) as follows:

4.2(c) *A solid acoustic fence is to be constructed on the Davidson Street frontage of the site and on a section of the Mowbray Street frontage and is to be designed such that every second panel of the fence is indented a minimum of one metre with landscaping of the indented areas that is endorsed by Council's Environment Officer."*

For: Crs Egan, Bellerio

Against: Crs Berwick, Sciacca, Cox, Davis, Pitt

Lost

Moved: Cr Davis

"That the Council accept an amendment to the fencing to make it of a kind similar to the Mandalay fence."

The motion lapsed for want of a seconder.

Moved: Cr Berwick

Seconded: Cr Davis

"That the planners investigate the matter for consistency and compliance with the original approval and report back to the next council meeting."

For: Crs Berwick, Davis, Sciacca, Cox, Pitt

Against: Crs Egan, Bellerio

Carried

RE-ATTENDANCE

The Manager Planning re-attended the meeting at 11:50 am.

06/0606/10 **TPC 1230 – LOTS 304 –306 C 2251 & LOT 1 RP720006 – (OLD PORT ROAD, CRAIGLIE)**

Moved: Cr Bellerio

Seconded: Cr Cox

"That Council adopt the recommendation and refuse the application for a Development Permit for a Material Change of Use for thirty-four (34) Multiple Dwellings (Residential) on land described as Lots 304-306 on C 2251 and Lot 1 on RP 720006, more particularly the junction of the Captain Cook Highway and Davidson Street (Old Port Road), Craiglie."

Carried unanimously

06/0606/11 MCU 3B 007/03 – LOT 210 RP 739767 – (WHITE BEECH ROAD, COW BAY)

Moved: Cr Egan

Seconded: Cr Sciacca

- 06/0606/11(i) *“That Council adopt the recommendation and approve the request by Ms Louise Solomon to extend the Currency Period for the Material Change of Use for a Dwelling House (MCU 3B 007/03) for a period of twelve (12) months from the date of the original approval such that this application lapses on 13 March 2008 unless the building work is completed in accordance with this Material Change of Use Development Permit for Lot 210 on RP 739767, Parish of Alexandra, more particularly White Beech Road, Cow Bay.”*
- 06/0606/11(ii) *“That Council adopt the recommendation and approve the amendments to Conditions 4 & 15 of the original Planning Approval MCU 3B 007/03 for Lot 210 on RP 739767, Parish of Alexandra, more particularly White Beech Road, Cow Bay.”*
- 06/0606/11(iii) *“That Council adopt the recommendation and approve the amended Dwelling House plans and the increase in site cover from 141m² to 162.36m² for Lot 210 on RP 739767, Parish of Alexandra, more particularly White Beech Road, Cow Bay.”*
- 06/0606/11(iv) *“That Council adopt the recommendation and advise Ms Louise Solomon that no further extensions of the Currency Period for MCU 3B 007/03 will be permitted after 13 March 2008 for Lot 210 on RP 739767, Parish of Alexandra, more particularly White Beech Road, Cow Bay.”*

Carried unanimously

06/0606/12 MCU 3B 022-02 – LOT 8 RP 865078 – (DE MEIO DRIVE, WONGA BEACH)

Moved: Cr Sciacca

Seconded: Cr Cox

- 06/0606/12(i) *“That Council adopt the recommendation and approve the request by Ms Denise Semple to extend the Currency Period for the Material Change of Use for a Dwelling House MCU 3B 022/02 for a period of twenty-four (24) months such that this application lapses on 28 June 2008 unless the building work is completed in accordance with this Material Change of Use Development Permit. “*
- 06/0606/12(ii) *“That Council adopt the recommendation and advise Ms Denise Semple that no further extensions of the Currency Period for MCU 3B 022/02 will be permitted after 28 June 2008 for Lot 8 on RP 865078, Parish of Whyanbeel, more particularly De Meio Drive, Wonga Beach.”*

Carried unanimously

**06/0606/13 REQUEST FOR TEMPORARY ROAD CLOSURE –
ANDREASSEN ROAD**

Moved: Cr Berwick

Seconded: Cr Davis

06/0606/13(i) *“That Council resolve to notify the applicant that it intends not to undertake any action to temporarily close Andreassen Road.”*

For: Crs Berwick, Cox, Davis

Against: Crs Sciacca, Egan, Bellerio, Pitt

Lost

Moved: Cr Bellerio

Seconded: Cr Sciacca

06/0606/13(ii) *“That Council resolve to regulate the use of Andreassen Road under the provisions of Section 901(2) of the Local Government Act by temporarily closing the road to certain traffic until such time as either the applicant has erected satisfactory barriers around his property to exclude unauthorised vehicle access across the area of land known as Lot 87 on SR 370 and Lot 90 on SR 678, or an alternative legal access route to the Mowbray River esplanade has been established by Council, whichever is first.”*

06/0606/13(iii) *“That Council resolve to erect the necessary signage to notify of the temporary road closure and permit the applicant to erect a barrier to unauthorised traffic at an agreed point on Andreassen Road with all costs incurred by the applicant.”*

With the agreement of the mover and the seconder, the motion was withdrawn.

DEPUTATION

At 12:10 pm, a deputation was received from Mr Grant Pittman of Q Property Pty Ltd in relation to the proposed Port Douglas Caravan & Camping Village.

ADJOURNMENT

At 12:35 pm, the meeting adjourned for lunch. The Mayor thanked Mr Pittman for the presentation. Mr Pittman and his associates withdrew from the meeting.

RESUMPTION

The meeting resumed at 1:30 pm.

Moved: Cr Bellerio

Seconded: Cr Sciacca

06/0606/13(ii) *“That Council regulate the use of Andreassen Road under the provisions of Section 901(2) of the Local Government Act by temporarily closing the road to certain traffic until such time as the applicant has erected satisfactory barriers around his property.”*



06/0606/13(iii) *"That the owner regulate access by prior arrangements for usage of the boat ramps and fishing."*

06/0606/13(iv) *"That Council resolve to erect the necessary signage to notify of the temporary road closure and permit the applicant to erect a barrier to unauthorised traffic at an agreed point on Andreassen Road with all costs incurred by the applicant."*

With the agreement of the mover and seconder, the matter was left on the table. Debate on this issue was suspended to allow the Council to deal with an emergent issue.

SUSPENSION OF STANDING ORDERS

Moved: Cr Cox

Seconded: Cr Berwick

06/0606/13a *"That Council suspend standing orders to deal with an emergent issue."*

Carried unanimously

06/0606/13A ENGAGEMENT OF MANAGEMENT SPECIALIST CONSULTANT

The General Manager Development & Environment requested permission to address the Council, to give an overview of the services to be provided by Elton Consulting in relation to the Port Douglas Waterfront project.

Moved: Cr Berwick

Seconded: Cr Davis

"That in accordance with Section 486 (1ab), given the urgency of the need to appoint a community engagement consultant, Council resolve to adopt the recommendation of waterfront consulting firm Citisolutions Pty Ltd and appoint Elton Consulting to undertake Phase 1 of a communications and community strategy for the Port Douglas Waterfront project."

For: Crs Berwick, Davis, Sciacca, Cox, Pitt, Egan

Against: Cr Bellerio

Carried

RESUMPTION OF STANDING ORDERS

With the agreement of the meeting, standing orders were resumed.

MATERIAL PERSONAL INTEREST

The Chief Executive Officer declared a material personal interest in the following matter and withdrew from the meeting.



06/0606/14 MODEL LOCAL LAW – TEMPORARY ENTERTAINMENT VENUES

Moved: Cr Davis

“That Council not move to kill off the special events industry by excessive red tape and regulations.”

The motion lapsed for want of a seconder.

Moved: Cr Davis

“That no action be taken.”

The motion lapsed for want of a seconder.

Moved: Cr Berwick

Seconded: Cr Bellerio

06/0606/14(i) *“That Council adopt the recommendation and authorise the Chief Executive Officer to conduct a public interest test on the anti-competitive provisions in the Model Local Law in accordance with the requirements of the Local Government Regulation 2005.”*

06/0606/14(ii) *“That Council adopt the recommendation and authorise the Chief Executive Officer to conduct a public interest test on the anti-competitive provisions in the Subordinate Local Law in accordance with the requirements of the Local Government Regulation 2005.”*

With the agreement of the mover and seconder the motion was amended as follows:

06/0606/14(i) *“That Council adopt the recommendation and authorise the Chief Executive Officer to conduct a public interest test on the anti-competitive provisions in the Model Local Law in accordance with the requirements of the Local Government Regulation 2005.”*

06/0606/14(ii) *“That Council adopt the recommendation and authorise the Chief Executive Officer to conduct a public interest test on the anti-competitive provisions in the Subordinate Local Law in accordance with the requirements of the Local Government Regulation 2005.”*

06/0606/14(iii) *“That the Model Local Law and Subordinate Local Law be put on public display.”*

For: Crs Berwick, Bellerio, Egan, Sciacca, Pitt

Against: Crs Davis, Cox

Carried

ADJOURNMENT

The Manager Planning withdrew at 2:20 pm and the meeting stood adjourned for the attendance of the Director-General of Local Government, Planning, Sport and Recreation.

RESUMPTION

The meeting resumed on Wednesday 7 June at 8:35 am. The Manager Planning, Paul Gleeson, re-attended at this time.

06/0606/13 REQUEST FOR TEMPORARY ROAD CLOSURE – ANDREASSEN ROAD

The debate on the temporary road closure of Andreassen Road was resumed.

The motion before the Council was:

Moved: Cr Bellerio

Seconded: Cr Sciacca

06/0606/13(ii) *“That Council regulate the use of Andreassen Road under the provisions of Section 901(2) of the Local Government Act by temporarily closing the road to certain traffic until such time as the applicant has erected satisfactory barriers around his property.”*

06/0606/13(iii) *“That the owner regulate access by prior arrangements for usage of the boat ramps and fishing.”*

06/0606/13(iv) *“That Council resolve to erect the necessary signage to notify of the temporary road closure and permit the applicant to erect a barrier to unauthorised traffic at an agreed point on Andreassen Road with all costs incurred by the applicant.”*

With the agreement of the mover and the seconder, the motion was further amended to become:

06/0606/13(ii) *“That Council regulate the use of Andreassen Road under the provisions of Section 901(2) of the Local Government Act by temporarily closing the road to certain traffic until such time as the applicant has erected satisfactory barriers around his property.”*

06/0606/13(iii) *“That Council resolve to erect the necessary signage to notify of the temporary road closure and permit the applicant to erect a barrier to unauthorised traffic at an agreed point on Andreassen Road with all costs incurred by the applicant.”*

06/0606/13(iv) *“That the applicant is to give two (2) keys for the gate to Douglas Shire Council. With the agreement of the landowner Lot 87 on SR 370 any person or entity may obtain a key to the gate from the Douglas Shire Council.”*

For: Crs Bellerio, Sciacca, Egan, Pitt

Against: Crs Berwick, Davis, Cox

Carried

Moved: Cr Sciacca

Seconded: Cr Davis

06/0606/13(v) *"That the Council in consultation with the two divisional councillors seek to identify a site for boat access to the Mowbray River."*

Carried unanimously

06/0606/15 INSTALL UMBRELLA, GRANT STREET, PORT DOUGLAS (SE JUICE)

Moved: Cr Davis

Seconded: Cr Berwick

"That Council adopt the recommendation and agree to the lodgement of the application and subsequent approval, subject to:

- (a) the applicant maintaining public liability insurance over the structure and naming Council as an insured party;*
- (b) the owner of the establishment being required to remove the umbrella when a cyclone warning is issued;*
- (c) the approval being issued for a maximum period of 5 years;*
- (d) the umbrella being sited to accommodate shade trees as per previous resolution; and*
- (e) the umbrella being kept in a clean and tidy state at all times."*

Carried unanimously

06/0606/16 PROVISION OF LIFEGUARD SERVICES – FOUR MILE BEACH

Cr Berwick declared he may be perceived to have a ~~conflict of material~~ interest as he is the patron of the Port Douglas Surf Lifesaving Club, as are all mayors. He stated that no ~~conflict of material~~ interest exists and he will therefore stay in the meeting for all discussion and voting.

ATTENDANCE

The Manager Environmental Health, Paul Hoyer, attended the meeting at 9:05 am. Cr Berwick withdrew from the meeting at this time and Cr Egan assumed the chair.

Moved: Cr Egan

Seconded: Cr Pitt

06/0606/16(i) *"That Council adopt the recommendation and, in accordance with Section 486 (1) (a) of the Local Government Act 1993, agree that it is satisfied there is only one supplier reasonably available to it for the provision of lifeguard services."*

06/0606/16(ii) *"That Council adopt the recommendation and agree to a two year contract for the provision of lifeguard services with Surf Life Saving Queensland for the period 1/7/06- 30/6/08."*

RE-ATTENDANCE

Cr Berwick re-attended the meeting.

An amendment to the motion was moved:

Moved: Cr Davis

Seconded: Cr Cox

- 06/0606/16(i) *"That Council adopt the recommendation and, in accordance with Section 486 (1) (a) of the Local Government Act 1993, agree that it is satisfied there is only one supplier reasonably available to it for the provision of lifeguard services."*
- 06/0606/16(ii) *"That Council adopt the recommendation and agree to a two year contract for the provision of lifeguard services with Surf Life Saving Queensland for the period 1/7/06 - 30/6/08."*
- 06/0606/16(iii) *"That the nets be kept in the water as early as possible."*
- 06/0606/16(iv) *"That the Council discuss with Surf Life Saving Queensland the possibility of providing checks at Mossman Gorge when the beach is closed."*

The amendment was put:

For: Crs Davis, Cox, Berwick

Against: Crs Egan, Sciacca, Bellerio, Pitt

Lost

The original motion was put:

Carried unanimously

06/0606/17 COMMERCIAL IN CONFIDENCE – COUNCIL WASTE CONTRACT 1396

This item was deferred and dealt with after Item 06/0606/37.

ENGINEERING

WITHDRAWAL

Crs Berwick and Davis, and the Chief Executive Officer, withdrew from the meeting at 9:20 am.

06/0606/18 DAINTREE RIVER FERRY PRECINCT MANAGEMENT

This item was deferred and dealt with after item 06/0606/24.

**06/0606/19 MOSSMAN SWIMMING POOL REMEDIAL WORKS –
TENDER NO: 83-05/06**

Moved: Cr Cox

Seconded: Cr Sciacca

"That Council adopt the recommendation and accept the tender from Mastic Master valued at \$59,848, excluding GST, with covered space to be provided for storage of equipment and materials. Any tile replacements required will be charged at day labour rate of \$65/hr as per GHD report. "

For: Cox, Sciacca, Pitt, Bellerio, Egan

Carried unanimously

FINANCE & ADMINISTRATION

**06/0606/20 SEEKING DONATION FOR MEMBERS TO ATTEND AUSTRALIAN
NATIONAL JUDO CHAMPIONSHIPS**

Moved: Cr Cox

Seconded: Cr Sciacca

"That Council adopt the recommendation and donate \$200."

For: Cox, Sciacca, Pitt, Bellerio, Egan

Carried unanimously

**06/0606/21 SEEKING ASSISTANCE WITH COSTS TO REPRINT BOOK "PORT OF
PROMISE"**

Moved: Cr Cox

Seconded: Cr Sciacca

"That Council consider the request as part of their 2006/07 budget deliberation process."

For: Crs Cox, Sciacca, Egan, Pitt

Against: Cr Bellerio

Carried

06/0606/22 SEEKING DONATION TOWARDS FUNDRAISING EVENT

Moved: Cr Sciacca

Seconded: Cr Cox

"That Council adopt the recommendation and provide a donation of \$200."

For: Sciacca, Cox, Pitt, Bellerio, Egan

Carried unanimously



06/0606/23 SEEKING FINANCIAL ASSISTANCE TOWARDS
SECURITY SCREENS

Moved: Cr Pitt

Seconded: Cr Bellerio

"That Council adopt the recommendation and donate \$500."

For: Pitt, Bellerio, Egan, Cox, Sciacca

Carried unanimously

RE-ATTENDANCE

Crs Berwick and Davis re-attended the meeting at 9:28 am.

06/0606/24 SEEKING SPONSORSHIP FOR CROCODILE TROPHY MOUNTAIN
BIKE RACE

Moved: Cr Cox

Seconded: Cr Sciacca

"That Council consider the request as part of their 2006/07 budget deliberation process."

For: Crs Cox, Davis

Against: Crs Sciacca, Egan, Bellerio, Pitt, Berwick

Lost

06/0606/18 DAINTREE RIVER FERRY PRECINCT MANAGEMENT

This matter was deferred earlier in the meeting and was dealt with now.

Moved: Cr Berwick

Seconded: Cr Davis

"That Council commission a working group to develop the management strategy. The group will be integrated with the master planning process already agreed to by Council."

For: Crs Berwick, Davis, Cox, Egan, Pitt

Crs Crs Bellerio, Sciacca

Carried

NOTICES OF MOTION

STAFF COMMENT – PROVIDED

06/0606/25 RD1106M – BEACH DINING ON FOUR MILE BEACH

Moved: Cr Davis

Seconded: Cr Cox

"That Council explore permitting candlelit dining on Four Mile Beach. "

For: Crs Davis, Cox

Against: Crs Berwick, Egan, Pitt, Sciacca, Bellerio

Lost**06/0606/26 RD1206M – LETTER RESPONSE TIME**

Moved: Cr Davis

Seconded: Cr Sciacca

"That general managers report to the board monthly as to their department's performance in responding to all letters and emails within 10 days of their receipt."

With the agreement of the mover and seconder the motion was amended:

"That Council encourage the development of organisation-wide performance indicators as soon as practical, with the indicators to include letter response time."

Carried unanimously**06/0606/27 RD1506M – COMPLAINT TO THE MINISTER (LIQUOR LICENSING)**

Moved: Cr Davis

"That the Douglas Shire Council make strong complaint to the minister regarding the over-zealous behaviour of the Brisbane-based Liquor Compliance Flying Squad, in Mossman and Port Douglas on May 19-21."

The motion lapsed for want of a seconder.

Moved: Cr Egan

Seconded: Cr Cox

"That Council request details of liquor offences during Carnivale, action taken and the department responsible for the action taken."

For: Crs Egan, Cox, Berwick, Pitt, Sciacca

Against: Crs Davis, Bellerio

Carried**ADJOURNMENT**

The meeting adjourned at 10:10 am for morning tea.

RESUMPTION

The meeting resumed at 10:30 am.

06/0606/28 RD1306M – AREA PROMOTION LEVEL

Moved: Cr Davis

"That Council call a meeting with tourism related community bodies to discuss increasing the area promotion levy from \$50 to, say, \$75."

The motion lapsed for want of a seconder.

ATTENDANCE

The Chief Executive Officer re-attended the meeting at 10:37 am.

06/0606/29 RD1606M – REWARD IN COMMUNITY SERVICE

Moved: Cr Davis

Seconded: Cr Cox

“That all major Council tenderers be invited to declare what community services they can offer our community on a voluntarily basis over and above the requirements of the tender, as a part of next financial year’s operational plan.”

With the agreement of the mover and the seconder, the motion was withdrawn.

Moved: Cr Berwick

Seconded: Cr Davis

“That Council consider an ethical purchasing policy in next year’s operational plan.”

For: Crs Berwick, Davis, Cox, Pitt

Against: Crs Egan, Sciacca, Bellerio

Carried

WITHDRAWAL

The Chief Executive Officer withdrew from the meeting at 10:57 am.

06/0606/30 RD1406M – ESTABLISH A ‘SISTER CITY’ RELATIONSHIP WITH OFFICIAL FROM MADANG AND PNG PARLIAMENT

Moved: Cr Davis

Seconded: Cr Egan

“That the Douglas Shire Council support efforts to formalise a relationship with the elected officials of Madang and the PNG parliament towards the establishment a ‘sister city’ relationship.”

For: Crs Davis, Egan, Berwick, Cox, Pitt, Sciacca

Against: Cr Bellerio

Carried

06/0606/31 RD1706M – ETHICS IN BANKING

Moved: Cr Davis

“That the Douglas Shire Council select its banking services not just on price but on ethics, using policies developed in other councils, for incorporation into next financial year’s operational plan.”

The motion was withdrawn.

STAFF COMMENT – UNNECESSARY

06/0606/32 RD0906M – SIGNING THE MEMORANDUM OF UNDERSTANDING

Moved: Cr Davis

"That the Douglas Shire adopts and signs the Memorandum of Understanding 'Working together effectively, the Councillors and the CEO'."

The motion was withdrawn.

06/0606/33 MC0106M – FLORAL EMBLEM FOR THE DOUGLAS SHIRE

Moved: Cr Cox

Seconded: Cr Berwick

"That Council consider the adoption of a floral emblem and seek staff advice as to the most appropriate species"

Carried unanimously

STAFF COMMENT – PENDING

06/0606/34 RD1806M – COMPLAINT RE PORT DOUGLAS DREDGING

Moved: Cr Davis

Seconded: Cr Cox

"That the Council make a complaint to the Minister for Transport about the delays to the Port Douglas dredging and questionable management achievements in the purchase of the dump site."

An amendment to the motion was moved:

Moved: Cr Berwick

Seconded: Cr Cox

"That Council strongly express its concerns to the Department of Transport about the delays in dredging the Port Douglas harbour and seek an immediate explanation about all options."

The amendment was put:

Carried unanimously

The amendment became the motion and was put:

Carried unanimously

06/0606/35 RD1906M - FERRY INFRASTRUCTURE

Moved: Cr Davis

Seconded: Cr Berwick

06/0606/35(i) *"That Council agree on a principle that extra Daintree ferry infrastructure be paid for, through the ferry business, and not the ratepayers."*

06/0606/35(ii) *"That Council agree on a principle that any commercial development at the ferry gateway be paid for by commercial users, not ratepayers."*

06/0606/35(iii) *"That the forthcoming budget include funding for the planning works already resolved by Council to improve the Daintree gateway."*

With the agreement of the mover and the seconder the motion was amended:

06/0606/35 *"That Council endorse a user-pays system for Daintree gateway infrastructure."*

For: Crs Davis, Berwick, Egan, Bellerio, Pitt, Sciacca

Against Cr Cox

Carried

ATTENDANCE

The Chief Executive Officer re-attended the meeting at 11:24 am.

06/0606/36 REVIEW OF LOCAL LAWS

Moved: Cr Cox

Seconded: Cr Egan

06/0606/36(i) *"That Council propose to make Douglas Shire Council Control of Nuisances (Amendment) Local Law (No. 2) 2006 which amends Douglas Shire Council Local Law No. 6 Control of Nuisances."*

06/0606/36(ii) *"(a) That Council propose to make Douglas Shire Council Keeping and Control of Animals (Amendment) Local Law (No. 3) 2006 which amends Douglas Shire Council Local Law No. 14 (Keeping and Control of Animals) subject to the inclusion of additional amendments related to:*

(i) Council control of cats; and

(ii) introduction of dog off-leash areas;

(b) That Council delegate the authority to make the additional amendments to the Chief Executive Officer;

(c) That Council propose to make Douglas Shire Council Keeping and Control of Animals (Amendment) Subordinate Local Law (No. 3) 2006, which amends Douglas Shire Council Local Law Policy No. 14 (Keeping & Control of Animals)."

06/0606/36(iii) *"That Council propose to make Holidays Cabins (Repealing) Local Law (No. 39) Holiday Cabins."*

06/0606/36(iv) *"That Council propose to make Douglas Shire Council Caravan Parks Local Law (No. 4) 2006 which repeals Local Law No. 48 – Council Caravan Parks and Local Law No. 42 – Caravans, Caravan Parks, Tents and Camping."*

06/0606/36(v) *"That Council instruct Williams Graham Carman to develop an accommodation local law in consultation with the managers of Environmental Health Services and Building Services."*

AMENDMENT

It was moved by Cr Davis and seconded by Cr Bellerio that the motion be amended to include a provision that no new cats be allowed north of the Daintree River.

The amendment was withdrawn and the original motion was put:

Carried unanimously

Moved: Cr Davis

Seconded: Cr Bellerio

06/0606/36(vi) *"That no new cats be allowed north of the Daintree River."*

For: Cr Davis

Against: Crs Berwick, Egan, Sciacca, Cox, Pitt, Bellerio

Lost

06/0606/37 **NOTICE OF RESCISSION – VESSEL LOADING/UNLOADING RAMP ON NORTH SIDE OF THE RIVER**

Motion 06/0205/18 is lying on the table. Motion 06/0205/18 proposes that Council repeal the resolution made at the ordinary meeting held on 18 April 2006 which reads, "That Council adopts the recommendation regarding public liability risk exposure and the ramp be closed."

According to resolution 06/1605/17(iii), motion 06/0205/18 is lying on the table until the risk assessment questions raised at the meeting of 18 April 2006 are answered and on the basis that when the matter comes back to the table Council's lawyers be available on speaker phone to advise Council at a set time.

Moved: Cr Berwick

Seconded: Cr Davis

06/0606/37 *"That the matter 06/0205/18 "Confidential Report – Vessel Loading/Unloading Ramp on North Side of the Daintree River Upstream from Ferry Crossing" be dealt with now."*

With the agreement of the mover and seconder an amendment was put:

"That the matter 06/0205/18 "Confidential Report – Vessel Loading/Unloading Ramp on North Side of the Daintree River Upstream from Ferry Crossing" be considered at the next Council meeting with the answers we have been seeking from Council's solicitors and insurers."

For: Crs Berwick, Davis, Egan, Sciacca, Pitt, Bellerio
Against: Cr Cox
Carried

ATTENDANCE

The Manager Environmental Health, Paul Hoyer, re-attended the meeting at 11:55 am.

BUDGET PROVISIONS FOR BUY-BACK OF LAND NORTH OF THE DAINTREE RIVER

With the approval of the meeting, the General Manager Development & Environment addressed the Council in relation to the proposed buy-back of land north of the Daintree River. Communication received from the Minister for Local Government, Planning, Sport and Recreation advised that no specific provision had been made in the budget, however an allocation can be made as and when required.

No decisions on the matter were made.

CLOSURE OF THE MEETING TO THE PUBLIC

Moved: Cr Berwick

Seconded: Cr Cox

06/0606/37a *"That the Council be resolved into committee of the whole to discuss contractual arrangements relating to the Waste Management Contract, and staff matters."*

Carried unanimously

OPENING OF THE MEETING TO THE PUBLIC

Moved: Cr Berwick

Seconded: Cr Egan

06/0606/37b *"That the meeting be re-opened to the public."*

Carried unanimously

06/0606/17 COMMERCIAL IN CONFIDENCE – COUNCIL WASTE CONTRACT NO. 1396

The following recommendations were forthcoming from the meeting while it was closed.

Moved: Cr Berwick

Seconded: Cr Egan

"That further advice be sought on the waste management contract and Council's commitments in respect of it."



Carried unanimously

WITHDRAWAL

The Manager Environmental Health withdrew from the meeting at 12:15 pm.

STAFF MATTER

No recommendations were forthcoming as a result of discussions while the meeting was closed to the public.

TERMINATION

The meeting closed at 12:57 pm.

Presented to and confirmed by Council on the *twentieth* day of *June* 2006.

M P Berwick
Chair